

REMARKS

Formal objections

The requirement to amend the claims is respectfully traversed. The lack of paragraph structure may be awkward, but is not illegal or unclear. The word "should" in the MPEP passage cited by the Examiner — confirms that paragraph structure is desirable, but not mandatory.

Nevertheless, in order to advance prosecution, herein, Applicants have amended claims 1, 4, 5, and 11-14 to add paragraph structure as requested. These changes were made to improve the form of the claims. No change to the scope of the claims results.

Also the word "and" is changed to "an" in claims 13 and 14. This amendment corrects an obvious typo, does not change the scope of the claims, and is not in response to any rejection or objection.

New claim 19 restores the subject matter of claim 10 that was canceled in the preliminary amendment that eliminated multiple dependency.

Art rejections

The art rejections are respectfully traversed.

Since the references are complex, Applicants will confine their remarks to those portions of the references cited by the Examiner, except as otherwise indicated. Applicants make no representation as to the contents of other portions of the references.

Any of the Examiner's rejections and/or points of argument that are not addressed below would appear to be moot in view of the following. Nevertheless, Applicants reserve the right to respond to those rejections and arguments and to advance additional arguments at a later date. No arguments are waived and none of the Examiner's statements are conceded.

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Dependent claims

In the art rejections, the Examiner groups the dependent claims together with the independent claims, ignoring their separate limitations. Where is the superframe of claim 2? Where is the multi-level coding of claim 4? Etc. The Examiner has failed to read these and other limitations from the dependent claims on the references. Applicants respectfully submit that, in view of the complexity of the references, this practice violates 37 CFR 1.104.

DOUBLE PATENTING REJECTION

This rejection is respectfully traversed. The undersigned has checked the public PAIR system and finds that the patent application that is the subject of this rejection currently stands abandoned. That patent application is accordingly not co-pending. Accordingly, a double patenting rejection appears to be inappropriate.

Moreover, Applicants respectfully submit that the Examiner's contention that the claims from the two applications are functionally equivalent mischaracterizes the claims from both applications. Below is a comparison of claim 1 from the two applications as filed. The recitations have been bulletized for easier comparison – though bullets do not appear in all the same places in the claims.

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CLAIM 1 FROM PRESENT APPLICATION	CLAIM 1 FROM OTHER APPLICATION
<p>A method of storing a number of data bits of a secondary channel (30) in the</p> <ul style="list-style-type: none"> • frame of a main channel (20) comprising <ul style="list-style-type: none"> • a fixed number of main channel bits and • a frame synchronization signal, • characterized in that <ul style="list-style-type: none"> • a secondary frame (11) is formed having a fixed number of frame bits, • which frame bits are successively filled with <ul style="list-style-type: none"> • a number of data bits (113), • an end-bit (114), which is set to a first bit-value, and • filling bits (115), if any, which are set to a second bit-value, • wherein the number of data bits (113) is dependent on and smaller than the random number (n_r) of bits being available in the frame of the main channel (20) for storage of bits of the secondary channel (30), • that the secondary frame (11) is then encoded using an error correction encoder (39) producing <ul style="list-style-type: none"> • encoded data bits (113) and • parity bits (112) and • that the encoded data bits (113) and parity bits (112) are embedded in the frame of the main channel (20). 	<p>1. A method for encoding a stream of bits of a signal relating to a binary source into a stream of bits of a signal relating to a binary channel,</p> <ul style="list-style-type: none"> • the binary source comprising <ul style="list-style-type: none"> • a main source and • a secondary source, • the main source being encoded in a main channel and • the secondary source being encoded in a secondary channel, • the secondary channel being embedded in the main channel in order to form the binary channel, <p>• characterized in that</p> <ul style="list-style-type: none"> • the binary channel is divided in blocks, • each block comprising a number of user bits and • that in at least one of the blocks the secondary channel also is used for encoding non-user bits.

Applicants respectfully submit that claim 1 of the present application contains numerous recitations that are not taught or suggested by claim 1 of the other application. For instance, claim 1 of the present application recites:

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- frame bits are successively filled with
 - a number of data bits (113),
 - an end-bit (114), which is set to a first bit-value, and
 - filling bits (115), if any, which are set to a second bit-value,
- wherein the number of data bits (113) is dependent on and smaller than the random number (n_1) of bits being available in the frame of the main channel (20) for storage of bits of the secondary channel (30),

Applicants fail to see how any of these limitations are taught or suggested by claim 1 of the other application.

There are some words in the two claims in common, like “primary channel,” “secondary channel,” “frame,” and “bits,” but having a few words in common does not suffice to support a rejection.

Similarly, claim 2 of the present application contains recitations such as “superframe” that Applicants are unable to find in the claims of other application.

The other independent claims of both applications appear to be susceptible to similar argumentation, *mutatis mutandi*.

Withdrawal of this rejection is accordingly respectfully requested.

Section 103 rejections

There is something peculiar here. The rejection says it is Bonnerot over Howe; however, the text goes on to discuss Lee. Applicants accordingly respectfully submit that the rejection fails to satisfy 37 CFR 1.104.

Applicants are going to assume, though, that the rejection is supposed to be Lee over Howe, rather than Bonnerot over Howe. Applicants are further going to assume that “Lee” is US

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5,408,475, which is referred to in the PTO-892 form. Applicants do not otherwise know how to interpret the rejection as Bonnerot does not have the figure numbers recited in the rejection.

Claim 1 recites a method for storing a number of bits of a secondary channel in the frame of a main channel. The Examiner cites Lee (?) for this limitation. Applicants have reviewed the portions of Lee cited by the Examiner and respectfully submit that the Examiner is mischaracterizing this reference. Applicants understand the second channel (20) in the reference to have its own frames that are multiplexed (24) together with frames from the main channel (16). Applicants do not understand any information of the secondary channel to be inserted into frames of the main channel.

Claim 1 further recites that the number of data bits is dependent on and smaller than a random number of bits available in a main channel; and that the secondary information is encoded prior to insertion in the main channel.

Against this recitation, the Examiner cites Howe. Applicants have read the sections referred to by the Examiner and find there only that Howe relates to error correction coding. Applicants do not pretend to have invented error correction coding itself. The motivation to combine this reference, with the other reference, comes from Applicants' specification and claims, through impermissible hindsight, not from the references. Moreover, the references are, so far as Applicants can tell, similarly deficient in not showing insertion of information from a secondary channel into a frame of a main channel.

The other rejected independent claims are analogous.

Applicants accordingly respectfully submit that the Examiner has failed to make a *prima facie* case even against the independent claims.

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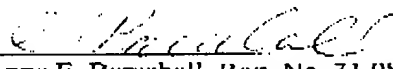
Applicants respectfully submit that the new independent claim, 15, distinguishes even more clearly over the references than the prior ones do.

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Applicants respectfully submit that they have addressed each issue raised by the Examiner except for any that were skipped as moot — and that the application is accordingly in condition for allowance. Allowance is therefore respectfully requested.

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